

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES

vs.

GINA MICHELLE BISIGNANO

Case No. 1:21-cr-00036

(Corrected Revised Report
Errata para 2(e))

DEFENDANT GINA MICHELLE BISIGNANO's 7/5/2023 STATUS REPORT TO THE
COURT RE: FINDING AND ENGAGING NEW COUNSEL

TO THE HONORABLE CARL J. NICHOLS JUDGE OF SAID COURT AND

KIMBERLY L. PASQUEL, ESQ. ASSISTANT UNITED STATES ATTORNEY

Defendant Gina Michelle Bisignano, by and through her Defense (Advisor), Barry D.

Silbermann, Esq. hereby responds to the Court's Order for diligence status for Gina

Bisignano to find and engage new counsel.

1. Public Defender's Office.

- a. The ASUA notified Shelli Peterson, Supervisor in the DC Public Defender's Office to contact me and I thereafter contacted Ms. Peterson by email requesting the Financial Affidavit form. Ms. Peterson responded. She called me to confirm that the case has been referred to Craig Harbaugh, Esq. in the Los Angeles, Public Defender's Office. He was Gina's attorney when she was before the California Central District Court.

- b. Ms. Bisignano was called by Jonathan Arminoff, Esq. of the Los Angeles Public Defender's Office last Tuesday. I was invited onto the call. The background of events was discussed, and a call arranged for Ms. Bisignano with Jonathan Arminoff and Craig Harbaugh that occurred Thursday 6/29/2023.
- c. They said they are agreeable to meet with me to intake my observations about what has occurred with Gina from December 2020 through the present leading to her being subpoenaed to testify in other January 6 defendant cases, her interactions with the AUSAs and her prior attorney and leading to the termination of Charles Peruto, Jr., Esq.
- d. The Financial Affidavit was completed and signed and sent by email 6/30/2023 to Shelli Peterson in DC cc Craig Harbaugh in LA. Financial qualification decision pending.
- e. Gina Bisignano is comfortable with both attorneys but is waiting on private attorney vetting in progress before deciding.

2. Private Attorney Vetting.

- a. The issue with private attorney vetting is matching the attorney with January 6 support organization funding purportedly available to underwrite their representing her. This has required calls initiated by the client and by me to flow the process around the demands on time of underwriting sources and trial schedules of the attorneys. All know of the time restraints on being selected for representation in this case.

- b. Three qualified attorney candidates are interested, are in communication and are on the short list.
- c. Some have been excluded because of conflict of interest. All have January 6 defendant trial experience and a willingness to listen to my perspective of Defendant's counsel-AUSA experience since and after her arraignment in Los Angeles through the present, briefly described in Section 3, hereinafter, for possible Constitutional rights affected, after new counsel reviews the herein case file and any evidence.
- d. They have all been advised of the October 30, 2023, trial date, stated herein for advisory purposes to the Court without waiver of rights of the Defendant that any attorney who substitute's in may or might have a basis to assert.
- e. This process to complete vetting and yes or no on underwriting to notification to the Court and substitution of attorney is two (2) more weeks, including Gina having time to understand more thoroughly about her case itself, which, I believe, she did not fully understand when she was summoned to appear before this honorable Court on May 4, 2023 and does not yet fully.

3. Defendant's (New Counsel's) and the Court's Interest, prior to trial, in Assessing if Defendant's Right's Have been abrogated by coercion by potential violations of the DOJ's Justice Manual, and/or 18 U.S.C. 242 (acting under color of law) and 18 U.S.C. 2340A (prohibited "Torture") or Defendant's 5th, 6th, 8th or 14th Amendment Rights.

DEFENDANT'S STATUS REPORT ON FINDNG NEW COUNSEL

1 a. This is to further advise the Court that the termination of Charles Peruto,
2 Jr. as defense counsel for a change in defense counsel, public defender
3 or private, is necessitated to allow Defendant, through new counsel to
4 redress issues evolved in this court by:

5
6 i. alleged potential coercion by potential egregious violations by DOJ
7 of the DOJ's Justice Manual, and/or 18 U.S.C. 242 (acting under
8 color of law) and 18 U.S.C. 2340A (prohibited "Torture") (her
9 unlawful incarceration in an Oklahoma prison for purposes of
10 inflicting emotional trauma);

11
12 • Judge McDermott, California Central District Federal Court
13 imposed Defendant with \$170,000 bail and said, in pertinent
14 part, "I think the government is trying to make an example
15 out of Ms. Bisignano and trying to make her out to be a
16 traitor."

17
18 • On information and belief, the ASUA after bail setting by
19 Judge McDermott went to a DC Magistrate to have
20 Bisignano's bail revoked ex Parte, a violation of her 6th
21 Amendment right to be represented by legal counsel in the
22 proceeding and never argued:

23
24 o DOJ Manual Section 3.2(a)2 provides, in pertinent
25 part:

26 provide, or "serve," an identical copy on the opposing
27

1 party (or, if the party is represented, the party's
2 practitioner of record), and
3 except for filings served during a hearing or jointly
4 filed motions agreed upon by all parties, declare in
5 writing that a copy has been served.
6

7 Defendant was represented by Craig Harbaugh, Esq. of
8 the Los Angeles Public Defenders office and was
9 representing Defendant at the time ASUA filed ex parte
10 with a different court, on information and belief, without
11 notifying Craig Harbaugh, Esq. A violation of DOJ Manual
12 Section 3.2(a)2 and Defendant's 6th Amendment rights;
13 and
14

- 15 ○ the issue of forum shopping and not having Los
16 Angeles AUSA appear before Judge McDermott to
17 move for bail revocation, was a violation of
18 Defendant's 14th Amendment right to due process of
19 law.
20

- 21 • By full disclosure, this is now a basis for civil action by
22 Bisignano (in a California Civil suit (Los Angeles Superior
23 Court Case No. 22SMCV02628) and a Tort Claims Act claim
24 against DOJ and agencies denied with federal suit planned)
25 in allegations of Does in DOJ under 18 U.S.C.242 for
26 tortious acts under color of law.
27
28

DEFENDANT'S STATUS REPORT ON FINDING NEW COUNSEL

- This may have created a conflict of interest for the AUSA for representing to this court that they did not know where Gina Bisignano was when the court asked and for not having Bisignano flown directly to this court instead of incarcerating her for two months, half in Los Angeles, half in Oklahoma.
- I have been advised of the names of 25 other January 6, defendants who were also flown to the Oklahoma prison by a DOJ contract air service called "ConAir", allegedly to prevent the J6 defendants from asserting Habeas Corpus and to inflict emotional distress. When Gina asked one of her guards why she was flown to the prison, Gina was told "they say they do this to teach you a lesson." She undid Gina's leg chains so Gina could extend her leg out from cramping and pain and Gina was crying (the reason for 18 U.S.C. 2340A (prohibited "Torture")).
- I will be advising new counsel to assess the above as to Gina's rights and as to whether to move for an OSC on why there should not be an investigation requested of DOJ IG Michael Horowitz.

and

- ii. Her Sixth Amendment right to have competent legal counsel, even for plea bargaining with DOJ (*Lafler v Cooper* (2012) 566 U.S. 156

- Gina Bisignano did not select Charle's Peruto, Jr. as her attorney, her brother did from years prior Peruto representation of someone her brother knew.
- His fee of \$75,000 cash depleted her, by family action while she was in Oklahoma prison, of her retirement reserve.
- On information and belief, Peruto was verbally and emotionally abusive to Bisignano from the start. Bisignano's first contact with Peruto was a letter she received from him while she was in the Los Angeles County Jail. She was not flown back to DC to appear at this court after being arrested while paying her bail, which was revoked by the DC Magistrate.
- Gina after thirty days in LA County Jail, was then transferred by. prison bus to San Diego then from San Diego by ConAir to the county prison in Oklahoma for nearly another month. On information and belief, she attempted to call Peruto but only spoke with his office assistant. He never called her.
- The extent to which Gina Bisignano was emotionally damaged caused by this brutal treatment by the DOJ was witnessed by the woman who took her into her home on Gina's release from prison and assessed by the clinical psychologist who as a favor to me started intaking and

1 counseling Gina from the time I met her through the present.

2 I advised Perito of this and he ignored it.

- 3
- 4 • On information and belief, Gina Bisignano's first
 - 5 communication directly with Perito was on her return to Los
 - 6 Angeles from Oklahoma. He told her she needed to fly to
 - 7 DC for her appearance in this court and she would be
 - 8 reimbursed for the flight. Gina told him how physically and
 - 9 emotionally ill she was. Her appearance was then in August
 - 10 2021. Nothing was ever said or brought before the court
 - 11 about her DOJ forced incarceration.
 - 12

13 b. Perito – U.S. Attorney Coerced Plea Cooperation.

- 14
- 15 • On information and belief, Perito represented to Gina Bisignano
 - 16 that if she gave cooperative testimony for the AUSA, Bisignano
 - 17 would receive a favorable waiver of sentencing guidelines for a plea
 - 18 agreement.
 - 19 • Occurrences were observed by me in the course of events leading
 - 20 up to Gina's May 4, 2023, appearance in DC before this court:
 - 21
 - 22 ○ Exhibit 1, attached hereto, and incorporated herein by this
 - 23 reference is my email to Charles E. Perito, Jr. dated
 - 24 February 26, 2023.
 - 25
 - 26 ○ Exhibit 2, attached hereto, and incorporated herein by this
 - 27 reference is my email to Charles E. Perito, Jr. dated March
 - 28 22, 2023.

DEFENDANT'S STATUS REPORT ON FINDING NEW COUNSEL

- Exhibit 2, attached hereto ,and incorporated herein by this reference is my email to Charles E. Peruto, Jr. dated April 23, 2023. Among other issues, Gina Bisignano was never reimbursed for her August 2021 travel from Los Angeles to DC for her appearance after being released from the Oklahoma prison.

4. Conclusion. Based on Exhibits 1, 2, and 3, and the foregoing, I am hereby advising the court that I will be advising new counsel to assess whether Defendant's (New Counsel's) and the Court's Interest, prior to trial, is in Assessing if Defendant's rights Have been abrogated by coercion by potential violations of the DOJ's Justice Manual, and/or 18 U.S.C. 242 (acting under color of law) and 18 U.S.C. 2340A (prohibited "Torture") or Defendant's 5th, 6th, 8th or 14th Amendment Rights.

5. Section 1512(c)(2).

a. Exhibit "3" refers to this section and the Appeals Court determination.

Exhibit "1" is to be assessed by counsel for professional evaluation of whether Defendant does not satisfy any "intent" that may be required to sustain this charge.

b. In addition, the DOJ Justice Manual sets forth criteria for probable cause for bringing this or any charge. In light of Congress having enacted 18 U.S.C. 1505, "Obstruction of proceedings before departments, agencies, and committees," issue arises of Section 1512(c)(2) violating the 8th Amendment prohibition of cruel and unusual punishment and no

DEFENDANT'S STATUS REPORT ON FINDNG NEW COUNSEL

probable cause existing under standard of review if Congress intended
1505 to be the charge.

Dated: 7/3/2023

Respectfully submitted,

Barry D. Silbermann

Barry D. Silbermann, Attorney (Advisor) for
Defendant Gina Michelle, Bisignano

EXHIBIT "1"

From: Barry Silberman pergumum.bsilberman@gmail.com
 Subject: Re: [EXTERNAL] Gina Bisignano DC Prior Court Appearance
 Date: February 26, 2023 at 11:38 PM
 To: Chuck Peruto, Jr. chuck@peruto.com
 Cc: Aisha Davis aisha@peruto.com
 Rec: Barry D. Silberman pergumum.bsilberman@gmail.com

Chuck,

OUR client was interrogated by the AUSA and another attorney today in DC and you were not present when they met with her. One of the attorneys attempted to coerce Gina into a false confession against her interest. There is no excuse for Gina to have met with them today without you present virtually.

Your failing to be present with her is not acceptable.

Until today, I have acceded to your request to stay out of Gina's criminal matter particularly with the amount you have been paid.

I have understood that your statement of your job to Gina and me, is "to keep Gina from going back to prison," has been predicated not on legal acumen, but on your belief that you have a strong personal relationship with the prosecutor so she will agree to lift sentencing guide lines to the court and recommend Gina be given time served at sentencing. If that is not correct, I need to know that and what is instead.

But the ASUA and the other attorney who interrogated Gina to coerce an admission committed serious ethical Bar violations today, by proceeding without you present on a Sunday. Even if they asked Gina if it was okay. It was not okay so I intend to file Bar complaints against all the attorneys in that room.

I now need to be advised by you as to exactly what is scheduled for Gina this week.

I think you need to tell the ASUA there will be no more meetings with Gina, she will testify. That's it.

I need to know that you will be present virtually in the court room and I would like the link to do the same.

If for any reason there is another or any more meetings with the ASUA prior against my advice, then arrange for me to be present virtually also.

Then after this week, we will schedule another three way Zoom and you will explain exactly what your plan is and timing of the process. At that time, after I assess what your plan is, I will advise you on any input I may have.

I have gained a certain degree of acceptance in the January 6 defendant and legal counsel community that I did not seek.

"You are 100%.

The guys in the DC Gulag are so excited about you.

We are going to win this. Whatever it takes."

Now I don't want Gina at risk for any more jail time than you do.

But after today, I am not leaving that up to whether or not Kimberly and you are getting along. Gina is OUR client. I am her general counsel trying to help her get her business going, her life in order and whatever will happen in her civil suits against all defendants.

Please acknowledge your agreement to cooperate with me. Thank you.

Barry
Barry D. Silbermann
Law Offices of Barry D. Silbermann
3896 Carpenter Avenue
Studio City, CA 91604
Tel: (310) 702-6699
bdspc@aol.com

Attorney Barry D. Silbermann has held an AV Preeminent™ Rating, highest peer review rating in legal ability & ethical standards in the practice of law by Martindale-Hubbell for 22 years (2001-2023). This email is a confidential, attorney client, work product privileged communication intended only for the addressee. If you have received this email in error, call (310) 702-6699 and delete it completely from your files.

On Jan 11, 2023, at 9:50 AM, Chuck Peruto <chucker.peruto.com> wrote

This needed to be handled my way. Now a decision has been made

Sent from my iPhone

On Jan 11, 2023, at 11:09 AM, Barry D. Silbermann <pergamum.bsilbermann@gmail.com> wrote:

Chuck,

I am sorry that you have to deal with this. I am sorry that you are not getting along.

I am sorry that you are not getting along. I am sorry that you are not getting along.

I am sorry that you are not getting along. I am sorry that you are not getting along. I am sorry that you are not getting along.

I am sorry that you are not getting along. I am sorry that you are not getting along. I am sorry that you are not getting along.

I am sorry that you are not getting along. I am sorry that you are not getting along. I am sorry that you are not getting along.

Ms. Jones wants to know if you will be working for a date. I am sorry that you are not getting along.

I am sorry that you are not getting along. I am sorry that you are not getting along.

Barry

Barry
Barry D. Silbermann, Esq.
Law Offices of Barry D. Silbermann

Copyright © 2007 by John Wiley & Sons, Inc.

The transportation and storage costs are not included in the price of the product. The transportation and storage costs are included in the price of the product.

100

From: Gina Bisignano <ginabisignano@yahoo.com>
Sent: Tuesday, January 10, 2023 9:50 AM
To: Chuck Peruto <chuck@peruto.com> ; Lindsey Peruto <lindsey@peruto.com>
Cc: Perry B. Schumann <pergamum.bsilbermann@gmail.com> ; Jones, Tanya D <T.Jones11@usa.doj.gov> ; Aidha Peruto <aidha@peruto.com>
Subject: UNHCR v. Rep. Gina Bisignano - Immigration and Customs Enforcement

Thank you

Sent from Yahoo Mail for iPhone

On Tuesday, January 10, 2023, 6:29 AM, Chuck Peruto <chuck@peruto.com> wrote:

[illegible]

cc: Jan 10 16:25 at 6:10 PM lindsey@peruto.com

2

•

•

•

• • •

•

•

1

•

•

>> pergamum.bsilbermann@gmail.com

>> Tel: (310) 702-6699

>> Sent from my iPhone

>>

>>

>>

>>

>>

>>

>> Barry

>> Barry D. Silbermann, ESQ., JD

>> Law Office of Barry D. Silbermann

>> 3856 Carpenter Avenue

>> Studio City, CA 91604

>> bdspp@aol.com

>> pergamum.bsilbermann@gmail.com

>> Tel: (310) 702-6699

>> Sent from my iPhone

EXHIBIT "2"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

From: Barry Silbermann pergamum.bsilbermann@gmail.com
Subject: Re: I starts to walk to meet her in the rain first night
Date: March 22, 2023 at 4:49 PM
To: Chuck Peruto, Jr. chuck@peruto.com
Bcc: Barry D. Silbermann pergamum.bsilbermann@gmail.com, E Patrick Miller, MA epm449@gmail.com

Chuck,

The only thing that counts is that you read or hear what I say to you.

Your treatment of Gina has been abusive, unprofessional and unfair to her. Ease up and communicate with her, two-way.

Three points to underscore:

1. I said that I have a clinical psychological analysis of Gina. It is imperative that this information be presented to the court.

This information is not bullshit and not to be ignored. You are her counsel. It is your responsibility. I am too. So I have to determine how it will get in front of Judge Nichols. Let Gina know what your plan is.

My observation was that Gina's attention span is short and she exhibits distractibility. The psychologist said I was correct and has thus far also said

- You cannot send a women with her mental state on medications to prison or she might become a danger to herself. She needs ongoing therapy, not jail.
- Gina doesn't process information well. Her cognitions are loose, disorganized.
- Executive functioning in her brain is impaired.

2. You have expressed trust that your working relationship with Kimberly Pasqual is as good as you represent. Only you know why, as her current record is to the contrary.

The AUSA already has a conflict of interest. She interrogated Gina without you there. Her report to the court implies upset with Gina after her testimony. Gina told her that Gina would tell the truth. Then she told Gina she could go where she wants after trial.

How will you be able to aggressively cross examine the AUSA at a conditions hearing? Is reaching a no hearing agreement possible on a conditions modification (i.e. stay in California where Gina is making good progress and ease up on her use of social media to raise funds)

3. You need to listen to what Gina has to say. She wants to talk to Judge Nichols which only you can arrange. Let Gina tell you what she wants the judge to hear from her.

You don't know my experience. My first called to the scene from doing contracts regarded an MD alleged to have strangled a baby spontaneously delivered by a saline abortion that the Sheriff was at a client hospital investigating. I stopped questioning of one nurse. I got the MD suspended even though I was up against Charles Weedman. The MD went through two hung jury trials for murder. I did successful medical staff peer review hearings for 15 years. I did UCMJ Captains Mast and as Command Duty Officer ordered the Master-At-Arms to send sailors to the brig on my ship. I agree that I am not a criminal lawyer and defer. But I am a damn good strategic lawyer. Gina is on a good path. She needs your best.

Barry
Barry D. Silberman
Law Offices of Barry D. Silberman
3896 Carpenter Avenue
Studio City, CA 91604
Tel: (310) 702-6699
bdspc@aol.com

Attorney Barry D. Silberman has held an AV Preeminent™ Rating, highest peer review rating in legal ability & ethical standards in the practice of law by Martindale-Hubbell for 22 years (2001-2023). This email is a confidential, attorney client, work product privileged communication intended only for the addressee. If you have received this email in error, call (310) 702-6699 and delete it completely from your files.

On Mar 18, 2023, at 6:13 AM, Barry Silberman <pergamum.bsilberman@gmail.com> wrote:

Chuck,

Gina needs your advocacy and support for her to be fairly heard by Judge Nichols regarding Gina's alleged conditions violation hearing.

I have input you need to have but have to leave shortly for Torah Minyan every Saturday.

I will send you an email late today.

Barry
Barry D. Silberman
Law Offices of Barry D. Silberman
3896 Carpenter Avenue
Studio City, CA 91604
Tel: (310) 702-6699
bdspc@aol.com

Attorney Barry D. Silbermann has held an AV Preeminent™ Rating, highest peer review rating in legal ability & ethical standards in the practice of law by Martindale-Hubbell for 22 years (2001-2023). This email is a confidential, attorney-client, work product, privileged communication intended only for the addressee. If you have received this email in error, call (310) 702-6699 and delete it completely from your files.

EXHIBIT "3"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

From: Barry Silbermann pergamum.bsilbermann@gmail.com
 Subject: Re: Status Update Request. Gina's May 4, 2023 Appearance
 Date: April 23, 2023 at 3:19 PM
 To: Chuck Peruto, Jr. chuck@peruto.com
 Cc: Gina Bisignano ginabisignano@icloud.com, Aisha Davis aisha@peruto.com
 Bcc: Barry D. Silbermann pergamum.bsilbermann@gmail.com

Chuck,

The short notice for Gina to appear at a hearing on May 4 raises some immediate issues which have not been made clear to Gina and she is afraid to ask you for fear you will yell at her. That's not okay.

Please do not be short with Gina and do not yell at her and take the time to explain what she is entitled to know from you, and understand.

So I will ask so that I may have the courtesy of some clarity:

1. If the travel to DC is a hardship for Gina, why isn't the government covering her travel still and you advancing until the government reimburses?

2. I understand from Gina that you do not expect a revocation of her bail if this is a conditions hearing. Is that correct? If that's the case why is Gina not being okayed by AUSA to appear by Zoom? That's concerning in light of a "withdrawal motion.". This also needs an immediate reply please.

3. The AUSA's email says the Circuit reversed Judge Nichols on Miller and Fischer as to 1512 hence setting pretrial dates.

I am trying to ascertain if Lang and the others plan to have the decision reviewed en Banc and then to the Supreme Court. Why the rush to trial then?

Also, my read of the decision, Gina and all of the others can file there own appeal on 1512 on the issues of intent, which as was already approached, she was not capable of forming. Please clarify. For Gina, this important status issue.

Thank you.

Barry
 Barry D. Silbermann
 Law Offices of Barry D. Silbermann
 3896 Carpenter Avenue
 Studio City, CA 91604
 Tel: (310) 702-6699
bdspc@aol.com

Attorney Barry D. Silbermann has held an AV Preeminent™ Rating, highest peer review rating in legal ability & ethical standards in the practice of law by Martindale-Hubbell for 22 years (2001-2023). This email is a confidential, attorney client, work product privileged communication intended only for the addressee. If you have received this email in error, call (310) 702-6699 and delete it completely from your files.

On Apr 5, 2023, at 1:40 PM, Barry Silbermann <pergamum.bsilbermann@gmail.com> wrote:

Chuck,

CHUCK,

My intervention is based on the degree of uncertainty, that you don't seem to have, as created by Judge Amy Berman Jackson's comments regarding Gina as a witness, that is disconcerting to Gina about whether there is to be a pending status hearing or not, and its effect on the prosecutor and the court that needs to be addressed with her.

Is the confidence you expressed that the prosecutor being agreeable with such certainty that she will agree to:

- A. Withdraw any allegation to the court of conditions violation by Gina to preclude any pending hearing;
- B. Updating the conditions with the court to remove the erroneous move from CA to PA provision and allow Internet use for Gina to try to raise needed funds;
- C. Dismissing the aiding and abetting charge in addition to the 1512 charge;
- D. Waiving application of sentencing guidelines so that Gina has time served with no further time.

Please set a time that you will call Gina tomorrow to discuss these issues and their status with her so that she is not caused further undue distress from the uncertainty of status.

Judge Jackson's, unseemly comment of calling Gina a "hot mess", which has greatly upset Gina, as she told the truth and was nicely attired, is consistent with the assessment I have provided you of Gina's state of mind and that she needs therapy not going to prison. You have assured her that that is what you intend as an outcome. Thank you.

Barry
Barry D. Silbermann
Law Offices of Barry D. Silbermann
3896 Carpenter Avenue
Studio City, CA 91604
Tel: (310) 702-6699
bdspc@aol.com

Attorney Barry D. Silbermann has held an AV Preeminent™ Rating, highest peer review rating in legal ability & ethical standards in the practice of law by Martindale-Hubbell for 22 years (2001-2023). This email is a confidential, attorney client, work product privileged communication intended only for the addressee. If you have received this email in error, call (310) 702-6699 and delete it completely from your files.